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EXAMINER

CHIN, RICKY

ART UNIT

PAPER NUMBER

2423

NOTIFICATION DATE

DELIVERY MODE

10/15/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary****Application No.**

10/765,044

**Applicant(s)**

FREEMAN ET AL.

**Examiner**

RICKY CHIN

**Art Unit**

2423

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7-15-09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 18-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 17, 2009 has been entered.

### ***Remarks***

2. The terminal disclaimers filed on February 17, 2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 7,079,176 and copending Application No. 10/126480 has been reviewed and is accepted. The terminal disclaimers have been recorded.

### ***Response to Arguments***

3. Applicant's arguments filed July 15, 2009 have been fully considered but are moot in view of the new ground(s) of rejection(s).

### ***Priority***

4. This application discloses and claims only subject matter disclosed in prior application no. 08/815,168 filed on 3/11/1997 and 08/598,382 filed 02/08/1996, and

names an inventor or inventors named in the prior application. The elements used in this application such as URL, audio signals, branching codes, internet address, Web, internet etc. could not be found anywhere in any prior applications of 08/443,607; 08/166,608 and 07/797,298. Therefore, the effective filing date of the instant application is February 8, 1996.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention since the claim lacks antecedent basis for the recited viewer profile. The examiner interprets the viewer profile to be the stored set of answer as recited in claim 5.

Claim 25 which is dependent on claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention since the claim lacks antecedent basis for the recited user preferences. The examiner therefore interprets the claim to be dependent on claim 24 which alludes to the user preferences.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, *except* that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

**7. Claims 1-7 rejected under 35 U.S.C. 102(e) as being anticipated by Harper et al., US 5,585,858.**

Regarding claim 1, Harper discloses an interactive digital programming system (See Abstract), said interactive programming system comprising:

a viewer television reception system to receive interactive programming (See col.2 lines 45-60), the interactive programming comprising a plurality of digitally compressed video, audio, branching codes and graphics signals (See col.4 lines 17-35 and col.9 lines 30-45), the reception system comprising:

a first input, said first input interactive programming comprising a stream of said plurality of digitally compressed video, audio, branching codes and graphics signals (See col.9 lines 46- col.10 lines 55 which discloses the interactive program box in which the subscriber receives the input of a stream comprising of the digitally compressed signals);

a viewer interface to receive user input from a viewer, said user input from said viewer requested as an interrogatory when an interactive program begins or when said viewer first tunes in said interactive program (See col.8 lines 15- col.9 lines 45 and col. 6 lines 1-8 which discloses the interrogatories requesting at the program beginning or when the viewer first tunes to said program);

a microprocessor, responsive to the viewer interface, to select input and direct a switch to the selected at least one video, audio, or graphics signals, the selection of the selected at least one video audio, or graphics signal a function of the branching codes and the input from the viewer (See col.7 lines 1-10; col.7 lines 58-67 and col.8 lines 1-37);

a decompressor/decoder, to decompress the selected at least one video, audio, or graphics signals (See fig.5 and col.13 lines 22 -37); and

an encoder to output the selected at least one video, audio, or graphics signal (See col.22 lines 7-50).

Regarding claim 2, Harper teaches the interactive digital programming system as set forth in claim 1, further he teaches of wherein the plurality of digitally compressed video signals from said first input corresponds to different predetermined camera angles of an event (See col. 30 lines 6-67).

Regarding claim 3, Harper teaches the interactive digital programming system as set forth in claim 1, further he teaches of wherein the microprocessor selects one of the

graphics signals at a predetermined time (See col.5 lines 60-65 which discloses predetermined times), the selection of the graphics signal as function of the branching codes and the input from the viewer (See col.6 lines 1-10 and col.7 lines 34-51 which discloses the selection being a function of the branching codes and input from the viewer), and further comprising an encoder, connected to the microprocessor, for presenting the selected graphics signal on a display (See col.9 lines 1-14).

Regarding claim 4, Harper teaches the interactive digital programming system as set forth in claim 1, further he teaches of wherein at least one interrogatory to the viewer, the content of the interrogatory involving program options (See col. 2 lines 55-67), and the input from the viewer correspond to collected input from the viewer via the viewer interface in response to the interrogatories (See col.2 lines 45-60).

Regarding claim 5, Harper discloses an interactive digital programming system (See Abstract), said interactive programming system comprising:

a viewer television reception system to receive interactive programming, the interactive programming comprising a plurality of digitally compressed video, audio, branching codes and graphics signals(See col.9 lines 46- col.10 lines 55 which discloses the interactive program box in which the subscriber receives the input of a stream comprising of the digitally compressed signals), the reception system comprising:

a first input, said first input to receive said interactive programming comprising a stream of said plurality of digitally compressed video, audio, branching codes and graphics signals(See col.9 lines 46- col.10 lines 55 which discloses the interactive program box in which the subscriber receives the input of a stream comprising of the digitally compressed signals);

memory, said memory to store a set of answers from a viewer to an interrogatory (see col. 2 lines 45-61), said interrogatory presented when an interactive program begins or when said viewer first tunes into said interactive program (See col.8 lines 15- col.9 lines 45 and col. 6 lines 1-8 which discloses the interrogatories requesting at the program beginning or when the viewer first tunes to said program);

a microprocessor, to select at least one of the video, audio, or graphics signals, the selection of the selected at least one video audio, or graphics signal a function of the branching codes and the stored set of answers (See col.7 lines 1-10; col.7 lines 58-67 and col.8 lines 1-37);

a decompressor/decoder, to decompress the selected at least one video, audio, or graphics signals (See fig.5 and col.13 lines 22 -37); and

an output circuit to output the selected at least one video, audio, or graphics signal (See col.22 lines 7-50).

Regarding claim 6, the claim has been analyzed and rejected for the same reasons set forth in the rejection of claim 2.



Regarding claim 7, the claim has been analyzed and rejected for the same reasons set forth in the rejection of claim 3.

**8. Claims 1-7 rejected under 35 U.S.C. 102(a) as being anticipated by Harper et al., WO/1995/028804.**

Regarding claim 1, Harper discloses an interactive digital programming system (See p. 9 lines 15 – p.10 lines 5 which discloses interactive programming and digital encoding), said interactive programming system comprising:

a viewer television reception system to receive interactive programming (See p.6 lines 5-35), the interactive programming comprising a plurality of digitally compressed video, audio, branching codes and graphics signals (See p.9 lines 15 – p.10 lines 5 and p.10 lines 24 – p.11 lines 24), the reception system comprising:

a first input, said first input interactive programming comprising a stream of said plurality of digitally compressed video, audio, branching codes and graphics signals (See p.9 lines 15 - p.10 lines 5 and p.10 lines 24 - p.11 lines 24);

a viewer interface to receive user input from a viewer, said user input from said viewer requested as an interrogatory when an interactive program begins or when said viewer first tunes in said interactive program (See p. 15 lines 13-30 and p.40 lines 5-30 which discloses having a prompt which requests the user to enter a valid ID in order to access the lecture or when the lecturer is ready to begin);

a microprocessor, responsive to the viewer interface, to select input and direct a switch to the selected at least one video, audio, or graphics signals, the selection of

the selected at least one video audio, or graphics signal a function of the branching codes and the input from the viewer (See p.32 lines 12 –p.33 lines 21);

a decompressor/decoder, to decompress the selected at least one video, audio, or graphics signals (See p.28 lines 1-14 and p.23 – p. 26); and

an encoder to output the selected at least one video, audio, or graphics signal (See p.23 – p.26).

Regarding claim 2, Harper teaches the interactive digital programming system as set forth in claim 1, further he teaches of wherein the plurality of digitally compressed video signals from said first input corresponds to different predetermined camera angles of an event (See p.15 lines 31 – p.16 lines 8 which discloses using an overhead camera as well as a normal camera).

Regarding claim 3, Harper teaches the interactive digital programming system as set forth in claim 1, further he teaches of wherein the microprocessor selects one of the graphics signals at a predetermined time (See p. 10 lines 24 - 34), the selection of the graphics signal as function of the branching codes and the input from the viewer (See p.32 lines 12 –p.33 lines 21), and further comprising an encoder, connected to the microprocessor, for presenting the selected graphics signal on a display (See p.23 – p.26).

Regarding claim 4, Harper teaches the interactive digital programming system as

set forth in claim 1, further he teaches of wherein at least one interrogatory to the viewer, the content of the interrogatory involving program options (See p.32 lines 12 – p.33 lines 35), and the input from the viewer correspond to collected input from the viewer via the viewer interface in response to the interrogatories (See p.6 lines 30 – page 7 lines 10).

Regarding claim 5, Harper discloses an interactive digital programming system (See p. 9 lines 15 – p.10 lines 5 which discloses interactive programming and digital encoding), said interactive programming system comprising:

a viewer television reception system to receive interactive programming (See p.6 lines 5-35), the interactive programming comprising a plurality of digitally compressed video, audio, branching codes and graphics signals (See p.9 lines 15 – p.10 lines 5 and p.10 lines 24 – p.11 lines 24), the reception system comprising:

a first input, said first input to receive said interactive programming comprising a stream of said plurality of digitally compressed video, audio, branching codes and graphics signals(See p.9 lines 15 - p.10 lines 5 and p.10 lines 24 - p.11 lines 24);

memory, said memory to store a set of answers from a viewer to an interrogatory (see p.6 lines 30 – p.7 lines 10), said interrogatory presented when an interactive program begins or when said viewer first tunes into said interactive program (See p. 15 lines 13-30 and p.40 lines 5-30 which discloses having a prompt which requests the user to enter a valid ID in order to access the lecture or when the lecturer is ready to begin);

a microprocessor, to select at least one of the video, audio, or graphics signals, the selection of the selected at least one video audio, or graphics signal a function of the branching codes and the stored set of answers (See p.32 lines 12 –p.33 lines 21);

a decompressor/decoder, to decompress the selected at least one video, audio, or graphics signals (See p.28 lines 1-14 and p.23 – p. 26); and

an output circuit to output the selected at least one video, audio, or graphics signal (See p.23 – p.26).

Regarding claim 6, the claim has been analyzed and rejected for the same reasons set forth in the rejection of claim 2.

Regarding claim 7, the claim has been analyzed and rejected for the same reasons set forth in the rejection of claim 3.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**10. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett, US 5,068,733 in view of Harper et al., US 5,585,858.**

Regarding claim 1, Bennett discloses an interactive programming system (See Abstract), said interactive digital programming system comprising: a viewer television reception system to receive interactive programming (col.1 lines 59-69), the interactive programming comprising a plurality of video, audio (col. 1 lines 33-47); a viewer interface to receive user input from a viewer (col.1. lines 59-68); a first input, said first input interactive programming comprising a stream of said plurality of video, audio, and graphics signals (col.1 lines 59-68); a microprocessor responsive to the viewer interface, to select at least one of the video, audio, or graphics signals from said first input and direct a switch to the selected at least one video, audio, or graphics signals (col.2 lines 18-54 which discloses video and audio switchers); a means for displaying the selected video signal (col. 2 lines 41-60); and an encoder to output the selected at least one video, audio, of graphics signals (col.2 lines 41-60).

Bennett does not explicitly teach of branching codes, digital video/audio, and graphics signals which are digitally compressed, decompressor/decoder, connected to the demultiplexer for decompressing the demultiplexed selected at least one video, audio, or graphics signals; and said user input from said viewer requested as an interrogatory when an interactive program begins or when said viewer first tunes in said interactive program. OFFICIAL NOTICE is taken by the examiner to note that a decompressor/decoder is notoriously well-known in the art and would have been

obvious to one of ordinary skill in the art to have implemented a decoder for the mere benefit of being able to reproduce and display the digital video and audio.

Furthermore, Harper discloses digital audio/video (Abstract) being digitally compressed (Fig.10 , elements 500 and 504), branching codes and graphics signals, the reception system comprising (Col. 7 lines 11-51);the selection of the video and audio signals and the predetermined time of each selection a function of the branching codes and the received viewer entries (col. 8 lines 15-33); and said user input from said viewer requested as an interrogatory when an interactive program begins or when said viewer first tunes in said interactive program (See Harper, col. 6 lines 1-7 which discloses the interrogatory being presented at the onset of the program for viewer response)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Bennett to incorporate digitally compressed video, audio, graphics, and branching codes and said user input from said viewer requested as an interrogatory when an interactive program begins or when said viewer first tunes in said interactive program as taught by Harper to provide a fuller interactivity and convenience for the user to the system with regards to available content being capable of being received by viewer entry as well acknowledging to the user the content being made available as soon as possible.

Regarding claim 2, the combination teaches all the claim limitations of the interactive digital programming system of claim 1, further the combination teaches of

wherein the plurality of digitally compressed video signals from said first input ([Harper], Fig. 4, 320) corresponds to different predetermined camera angles of an event ([Bennett], col.1, lines 59-69).

Regarding claim 3, the combination teaches all of the claim limitations of the interactive digital programming system of claim 1, further the combination teaches of wherein the microprocessor selects one of the graphics signals (trigger points) at a predetermined time, the selection of the graphics signal a function of the branching codes and the input from viewer, and further comprising an encoder means, connected to the microprocessor, for presenting the selected graphics signal on a display ([Harper], col. 15, lines 48 to col. 16, lines 1-25 and col. 18. lines 60- col. 19 lines 1-20).

Regarding claim 4, the combination teaches all of the claim limitations of the interactive digital programming system of claim 1, further the combination teaches of at least one interrogatory to the viewer, the content of the interrogatory involving program options, and the input from the viewer correspond to collected input from the viewer via the viewer interface in response to the interrogatories ([Bennett], col.3 lines 5-11).

Regarding claims 5-7, the claims has been analyzed and rejected using the same rationale of claims 1-3. Furthermore, the combination teaches of a memory, said memory to store a set of answers from a viewer to an interrogatory, said interrogatory presented when an interactive program begins or when said viewer first tunes into said

interactive program (See Harper, col. 7 lines 1-10 and col. 8 lines 50-62 which discloses storing answers to past interrogatories in memory and using logic and algorithms to determine the trigger points).

**11. Claims 8-12 and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett, US 5,068,733, in view of Harper et al., US 5,585,858, and in further view of Wolzien, US 5,761,606.**

Regarding claim 8, Bennett discloses an interactive programming system (See Abstract), said interactive digital programming system comprising: a viewer television reception system to receive interactive programming (col.1 lines 59-69), the interactive programming comprising a plurality of video, audio (col. 1 lines 33-47); a viewer interface to receive user input from a viewer (col.1. lines 59-68); a first input, said first input interactive programming comprising a stream of said plurality of video, audio, and graphics signals (col.1 lines 59-68); a microprocessor connected to the viewer interface, to select at least one of the video, audio, or graphics signals from said first input and direct a switch to the selected at least one video, audio, or graphics signals (col.2 lines 18-54 which discloses video and audio switchers); and an output circuit to output the selected at least one video, audio, of graphics signals (col.2 lines 41-60).



Bennett does not explicitly teach of branching codes, digital video/audio, and graphics signals which are digitally compressed; and said user input from said viewer requested as an interrogatory when an interactive program begins or when said viewer first tunes in said interactive program. OFFICIAL NOTICE is taken by the examiner to note that a decompressor/decoder is notoriously well-known in the art and would have been obvious to one of ordinary skill in the art to have implemented a decoder for the mere benefit of being able to reproduce and display the digital video and audio.

Furthermore, Harper discloses digital audio/video (Abstract) being digitally compressed (Fig.10 , elements 500 and 504), branching codes and graphics signals, the reception system comprising (Col. 7 lines 11-51);the selection of the video and audio signals and the predetermined time of each selection a function of the branching codes and the received viewer entries (col. 8 lines 15-33); and said user input from said viewer requested as an interrogatory when an interactive program begins or when said viewer first tunes in said interactive program (See Harper, col. 6 lines 1-7 which discloses the interrogatory being presented at the onset of the program for viewer response)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Bennett to incorporate digitally compressed video, audio, graphics, and branching codes and said user input from said viewer requested as an interrogatory when an interactive program begins or when said viewer first tunes in said interactive program as taught by Harper to provide a fuller interactivity and convenience for the user to the system with regards to available

content being capable of being received by viewer entry as well acknowledging to the user the content being made available as soon as possible.

The combination of Bennett and Harper does not explicitly teach of wherein the programming comprises internet addresses. However, in the same field of endeavor, Wolzien discloses a system for providing programming comprising of internet addresses (col. 5 lines 45- col.6 lines 1-18). Therefore, it would have been obvious to one of ordinary skill in at the art at the time of the invention to have combined the teachings of Bennett and Harper of providing compressed video, audio, and graphics signals and to have incorporated a connection to a computer network for receiving video, audio, and graphic signals using said internet addresses as taught by Wolzien to provide fuller interactivity such as receiving supplemental information about content on user request by supplying web addresses.

Regarding claim 9, the combination of Bennett, Harper, and Wolzien disclose the live interactive digital programming system of claim 8, the combination further teaches of comprising: and a decompressor/decoder, for decompressing the demultiplexed selected at least one video, audio signals, or graphics signal (See analysis of claim 1).

Regarding claims 10-12 the claims have been analyzed and rejected for the same reasons set forth in the rejections of claims 2-4.

Regarding claim 18, the combination teaches the system of claim 8, the combination further teaches of wherein each branching code includes a header to identify a trigger point in the digitally compressed signals (See Harper, col.8 lines 3-5 which discloses a header for identifying the occurrence of the trigger point).

Regarding claim 19, the combination teaches the system of claim 18, the combination further teaches of wherein the trigger point is one of multiple triggers positioned at various points in the interactive programming (See Harper, col. 5 lines 60-65 which discloses trigger points scattered at various times throughout the program).

Regarding claim 20, the combination teaches the system of claim 8, the combination further teaches of wherein each branching code further includes a function identifier to designate the set of executable instructions (See Harper, col.8 lines 5-8 which discloses a function ID for selection of a response).

Regarding claim 21, the combination teaches the system of claim 8, the combination further teaches of wherein at least one of the branching codes is part of an authoring language, which is a set of interactive data codes to facilitate an interactive process (See Harper, col. 13 lines 60-67; col.16 lines 18-35 which discloses that the branch codes are interactive branching commands run by the processor).

Regarding claim 22, the combination teaches the system of claim 8, the combination further teaches of wherein the branching codes are to branch between interactive options and related features (See Harper, col.16 lines 8-24 and col.24 lines

11-20 which discloses branching from a user selection at the beginning of the event from queries to a particular player or sports statistics).

Regarding claim 23, the combination teaches the system of claim 8, the combination further teaches of wherein at least one branching code further includes information of a user profile, the user profile stored in the memory storage unit (See Harper, col.16 lines 25-39; col. 24 lines 10-24; col.12 lines 25-35; and col. 9 lines 30-45 which discloses memory branching to branch to selections made from previous selections made from the viewer which are stored in memory).

Regarding claim 24, the combination teaches the system of claim 23, the combination further teaches of wherein the user profile includes user preferences selected by the user at the onset of the interactive programming (See Harper, col. 9 lines 30-45 which discloses memory for storing previous user inputs to control future selections and col. 8 lines 50-62 which discloses the user inputs being input at the onset of the programming).

Regarding claim 25, the combination teaches the system of claim 23, the combination further teaches of wherein the user preferences selected by the user are in response to interrogatory messages (See Harper, col. 7 lines 1-10; col. 9 lines 30-45; and col.8 lines 50-62 which discloses the selections which are stored into memory for future selection are determined from the responses made from the inputs to the interrogatory messages).

**12. Claims 8-12 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper et al., WO/1995/028804 in view of Wolzien, US 5,761,606.**

Regarding claim 8, the claim recites limitations substantially similar to claim 1 of which Harper discloses (See analysis of claim 1). Claim 8 differs from claim 1 by including the limitation of wherein the programming comprises internet addresses. Harper teaches of wherein the communication between the master and remote sites are via the internet (See p. 30 lines 1-10 and p. 38 lines 15-25). However, Harper does not explicitly teach of wherein the programming comprises of internet addresses.

However, in the same field of endeavor, Wolzien discloses a system for providing programming comprising of internet addresses (col. 5 lines 45- col.6 lines 1-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Harper of providing compressed video, audio, and graphics signals and to have incorporated a connection to a computer network for receiving video, audio, and graphic signals using said internet addresses as taught by Wolzien to provide fuller interactivity such as receiving supplemental information about content on user request by supplying web addresses.

Regarding claim 9, the combination of Harper and Wolzien disclose the live interactive digital programming system of claim 8, the combination further teaches of comprising: and a decompressor/decoder, for decompressing the demultiplexed selected at least one video, audio signals, or graphics signal (See analysis of claim 1).

Regarding claims 10-12 the claims have been analyzed and rejected for the same reasons set forth in the rejections of claims 2-4.

Regarding claim 18, the combination teaches the system of claim 8, the combination further teaches of wherein each branching code includes a header to identify a trigger point in the digitally compressed signals (See p.10 lines 24- page 11 lines 24 which discloses presented the interrogatory at various points in time , therefore they must be an identifier in order to be able to detect the trigger point as to be able to know when to display the interrogatory and of what options and responses to present when the interrogatory is responded to).

Regarding claim 19, the combination teaches the system of claim 18, the combination further teaches of wherein the trigger point is one of multiple triggers positioned at various points in the interactive programming (See p. 10 lines 24 - 34).

Regarding claim 20, the combination teaches the system of claim 8, the combination further teaches of wherein each branching code further includes a function identifier to designate the set of executable instructions (See p. 42 – p.45 which illustrates branching to the appropriate answers or audio segments, thus there must be an identifier in order to know which codes to execute in order for the branching and appropriate segment to be played).

Regarding claim 21, the combination teaches the system of claim 8, the combination further teaches of wherein at least one of the branching codes is part of an authoring language, which is a set of interactive data codes to facilitate an interactive process (See p.18 lines 30 - p.19 lines 7).

Regarding claim 22, the combination teaches the system of claim 8, the combination further teaches of wherein the branching codes are to branch between interactive options and related features (See p.18 lines 30 - p.19 lines 7).

Regarding claim 23, the combination teaches the system of claim 8, the combination further teaches of wherein at least one branching code further includes information of a user profile, the user profile stored in the memory storage unit (See p.10 lines 25 – page 11 lines 24).

**13. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper et al., WO/1995/028804 in view of Wolzien, US 5,761,606, and in further view of Sheppard II, US 5,706,493.**

Regarding claim 24, the combination of Harper and Wolzien teaches the system of claim 23, the combination further teaches of answering interrogatory questions such as the client ID on the onset of the programming and of user profiles for storing the previous answers of the interrogatories (See p. 15 lines 13-30 and p.40 lines 5-30 which discloses having a prompt which requests the user to enter a valid ID in order to access the lecture or when the lecturer is ready to begin and p.6 lines 30 – p.7 lines 10). The

combination does not explicitly teach of wherein the user profile includes user preferences selected by the user.

However, in the same field of endeavor, Sheppard II teaches of wherein the user profile includes user preferences selected by the user (See col.10 lines 55 – col.12 lines 7 which discloses selecting user preferences which are stored in a profile). Therefore it would have been obvious to one of ordinary skill in the art to have modified the teachings of Harper and Wolzien to incorporate wherein the user profile includes user preferences selected by the user as taught by Sheppard II for the mere benefit of better characterizing the user such that only appropriate and/or preferred content such as a genre, topic or of a particular format is transmitted to the client.

Regarding claim 25, the combination teaches the system of claim 24, the combination further teaches of wherein the user preferences selected by the user are in response to interrogatory messages (See Harper, see p.6 lines 30 – p.7 lines 10 which discloses the user profile storing previous selections of the responses to the interrogatories; See Sheppard, col. 10 lines 55 – col.12 lines 7 and Fig.9 which discloses selecting user preferences which are stored in a profile from selections of questions such as whether or not the user wants to change preferences).

**Contact**



14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky Chin whose telephone number is 571-270-3753. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on 571-272-7296. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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